

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUL 25 2005

FILED
CLERK'S OFFICE

DOCKET NO. 1629

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE NEURONTIN MARKETING, SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION**

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-11)

On October 26, 2004, the Panel transferred 23 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 62 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of October 26, 2004, 342 F.Supp.2d 1350 (J.P.M.L. 2004), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

Inasmuch as no objection is
pending at this time, the
stay is lifted.

AUG 10 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

August 10, 2005

Sarah Thornton, Clerk
2300 John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, MA 02210-3002

Re: MDL-1629-- In re Neurontin Marketing, Sales Practices and Products Liability Litigation

(See Attached Schedule CTO-11)

Dear Ms. Thornton:

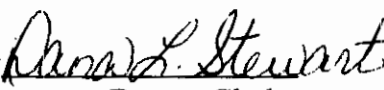
I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on July 25, 2005. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By 
Deputy Clerk

Attachment

cc: Transferee Judge: Judge Patti B. Saris
Transferor Judges: Judge John D. Holschuh; Judge Jed S. Rakoff; Judge Berle M. Schiller
Transferor Clerks: James Bonini; Michael E. Kunz; J. Michael McMahon

SCHEDULE CTO-11 - TAG-ALONG ACTIONS
DOCKET NO. 1629
IN RE NEURONTIN MARKETING, SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION

DIST. DIV. C.A.#

CASE CAPTION

FLORIDA MIDDLE

~~FLM 2 05-310~~

~~Joan Craft, et al. v. Pfizer, Inc., et al.~~

Opposed 8/10/05

NEW YORK SOUTHERN

NYS 1 05-5809

Debra Johnson Alsberge, etc. v. Pfizer, Inc., et al.

NYS 1 05-5810

Robin Stern Briggs, etc. v. Pfizer, Inc., et al.

OHIO SOUTHERN

OHS 2 05-657

Keith Edwards v. Warner-Lambert Co., et al.

PENNSYLVANIA EASTERN

PAE 2 05-3401

Grace Sanutti v. Pfizer, Inc., et al.

ECF, RELATED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:05-cv-05809-JSR**

Alsberge v. Pfizer, Inc. et al
Assigned to: Judge Jed S. Rakoff
Demand: \$100000000
Related Case: [1:04-cv-06704-JSR](#)
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 06/22/2005
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Debra Johnson Alsberge
*as Administratrix of the estate of
Richard Alsberge, deceased*

represented by **Andrew G. Finkelstein**
Finkelstein & Partners, LLP
436 Robinson Avenue
Newburgh, NY 12550
914-562-0203
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eleanor Louise Polimeni
Finkelstein & Partners, LLP
436 Robinson Ave.
Newburgh, NY 12550
845-563-9421
Fax: 845-562-3492
Email: epolimeni@lawampm.com
ATTORNEY TO BE NOTICED

V.

Defendant**Pfizer, Inc.**

represented by **Erik March Zissu**
Davis Polk & Wardwell
450 Lexington Avenue
New York, NY 10017
(212) 450-4511
Fax: 212 450-3511
Email: zissu@dpw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Parke-Davis
*a division of Warner-Lambert Company
and Warner-Lambert Company LLC*

represented by **Erik March Zissu**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Warner-Lambert Company**

represented by **Erik March Zissu**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Warner-Lambert Company LLC**

represented by **Erik March Zissu**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/22/2005	<u>1</u>	COMPLAINT against Pfizer, Inc., Parke-Davis, Warner-Lambert Company, Warner-Lambert Company LLC. (Filing Fee \$ 250.00, Receipt Number 547142) Document filed by Debra Johnson Alsberge. (jbe,) (Entered: 06/23/2005)
06/22/2005		Case Designated ECF. (jbe,) (Entered: 06/23/2005)
06/22/2005		SUMMONS ISSUED as to Pfizer, Inc., Parke-Davis, Warner-Lambert Company, Warner-Lambert Company LLC. (jbe,) (Entered: 06/23/2005)
06/22/2005		CASE REFERRED TO Judge Jed S. Rakoff as possibly similar to 04-6704. (jbe,) (Entered: 06/23/2005)
06/27/2005	<u>2</u>	NOTICE of Appearance by Eleanor Louise Polimeni on behalf of Debra Johnson Alsberge (Polimeni, Eleanor) (Entered: 06/27/2005)
06/30/2005		CASE ACCEPTED AS RELATED TO 04cv6704. Notice of Assignment to follow. (jeh,) (Entered: 07/05/2005)
06/30/2005		Magistrate Judge Douglas F. Eaton is so designated. (jeh,) (Entered: 07/05/2005)
06/30/2005	<u>3</u>	NOTICE OF CASE ASSIGNMENT to Judge Jed S. Rakoff. Judge Unassigned no longer assigned to the case. (jeh,) (Entered: 07/05/2005)
08/06/2005	<u>4</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Pfizer, Inc. served on 7/22/2005, answer due 8/11/2005. Service was accepted by Carol Vogt, Authorized Agent. Document filed by Debra Johnson Alsberge. (Polimeni, Eleanor) (Entered: 08/06/2005)
08/07/2005	<u>5</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Parke-Davis served on 7/25/2005, answer due 8/15/2005. Service was accepted by Leslie Porfido, Managing Agent. Document filed by Debra Johnson Alsberge. (Polimeni, Eleanor) (Entered: 08/07/2005)
08/07/2005	<u>6</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Warner-Lambert Company served on 7/25/2005, answer due 8/15/2005. Service was accepted by Leslie Porfido, Managing Agent. Document filed by

		Debra Johnson Alsberge. (Polimeni, Eleanor) (Entered: 08/07/2005)
08/07/2005	<u>7</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Warner-Lambert Company LLC served on 7/22/2005, answer due 8/11/2005. Service was accepted by Carol Vogt, Authorized Agent. Document filed by Debra Johnson Alsberge. (Polimeni, Eleanor) (Entered: 08/07/2005)
08/15/2005	<u>8</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Pfizer, Inc., Parke-Davis, Warner-Lambert Company, Warner-Lambert Company LLC.(Zissu, Erik) (Entered: 08/15/2005)
08/15/2005	<u>9</u>	ANSWER to Complaint. Document filed by Pfizer, Inc., Parke-Davis, Warner-Lambert Company, Warner-Lambert Company LLC.(Zissu, Erik) (Entered: 08/15/2005)

PACER Service Center			
Transaction Receipt			
08/16/2005 16:28:57			
PACER Login:	us2510	Client Code:	
Description:	Docket Report	Search Criteria:	1:05-cv-05809-JSR
Billable Pages:	2	Cost:	0.16